



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

April 11, 1974

**The Honorable J. Bruce Aycock
Amarillo City Attorney
P. O. Box 1971
Amarillo, Texas**

Open Records Decision No. 27

**Re: Request for specific
reports of health
inspectors of Bi-City
County Health Dept.**

Dear Mr. Aycock:

On behalf of the City of Amarillo you have asked our decision on the availability to the public under Article 6252-17a, V. T. C. S., the Open Records Act, of an official order issued by the County Health Department against a cafeteria to cease operations for the duration of violations of local and state health measures, and for health inspection reports of another cafeteria.

The City of Amarillo has invoked exceptions to application of the Open Records Act found in §§ 3(a)(3) and 3(a)(8) of Article 6252-17a, V. T. C. S. Section 3(a) of the Act states in part:

"Sec. 3. (a) All information collected, assembled, or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business is public information and available to the public during normal business hours of any governmental body, with the following exceptions only:

"(1) information deemed confidential by law, either Constitutional, statutory, or by judicial decision;

"(3) information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or poli-

tical subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection;

"(8) records of law enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law enforcement agencies which are maintained for internal use in matters relating to law enforcement;

"(11) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than one in litigation with the agency;"

The most reasonable meaning of the words of § 3(a) is that, unless information falls within one of the exceptions thereafter set forth, it is available to the public.

We have found no law--statutory, judicial or constitutional--that would make the requested information confidential. Nor does the information sought come within § 3(a)(8).

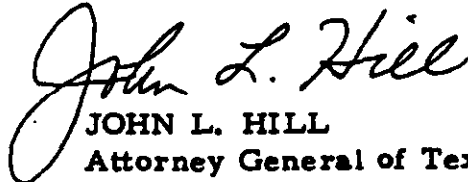
With reference to § 3(a)(3), the mere chance of litigation is not sufficient to warrant withholding of information such as that in question.

Finally, the records involved here are not intra-agency memoranda under § 3(a)(11). Rather, the inspection report is a completed "investigation made . . . by [a] governmental body," and thereby public under § 6(a)(1) of the Act. And the close-down order, being a summary proceeding of an administrative agency, would fall within § 6(a)(12) of the statute, making orders "made in the adjudication of cases" public information.

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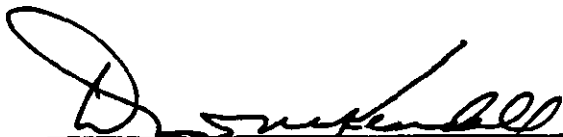
It is our decision that the information requested is public information, not within any exception of § 3(a) and should be disclosed.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


C. J. CARL, Staff Legislative Assistant


DAVID M. KENDALL, Chairman
Opinion Committee